

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1-11 are in the case.

I. THE ANTICIPATION REJECTION

Claims 1-11 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. patent 5,273,190 to Lund. The rejection is respectfully traversed.

The invention as claimed is directed to a syringe for dispensing foam. The syringe comprises a syringe plunger, a waste chamber communicating with a front face of the plunger, and a syringe barrel having a nozzle and a bore with an inner surface, for receiving the plunger. The plunger is provided with a seal formation for sealing between the front face of the plunger and the inner surface of the bore, thereby preventing flow of foam past the front face of the plunger and into the bore.

As explained, for example, in the paragraph bridging pages 10 and 11 of the specification, as foam continues to flow, a back pressure builds up by virtue of the seal between the front face of the plunger and the inner surface of the bore of the syringe barrel, which eventually becomes sufficient to overcome the friction between the plunger seal and the inner surface of the bore. The plunger is then forced back and the syringe barrel fills with quality foam.

Lund does not disclose (or suggest) the syringe as claimed. In Lund, there is no seal between the plunger and the inner surface of the barrel preventing flow of foam past the front face of the plunger. Indeed, it is critical in Lund that the contents of the pierced bags flow around and through the front face of the plunger to allow mixing of the liquids to occur.

The Action asserts:

“Concerning "front face" see figure 2 and plunger near 32. Further the Lund reference plunger is provided with a "seal", the material between 32 (plunger) and inner surface of bore or waste chamber (interior space which components 16 and 18 are contained in). It is applicants position that the contents of 16 and 18 are sealed from the area outside for the front face of the plunger, "thereby preventing flow of foam past the front face of the plunger" see figure 2. Further note various holes or vents internal waste chamber (100, area before 100, 88, space outside of 32 around 104, outside opening near 58, etc.)”

Referring to the assertion that the Lund plunger is provided with a "seal" (the material between 32 (plunger) and inner surface of bore or waste chamber (interior space which components 16 and 18 are contained in), this is not the same as the seal as claimed in the present syringe. In the present syringe, the plunger is provided with a “seal formation for providing a seal between the front face of the plunger and said inner surface of the bore” for “preventing flow of foam past the front face of the plunger and into said bore”. In the Lund arrangement, the seal between 32 (the plunger) and the inner surface of the bore or waste chamber (interior space which components 16 and 18 are contained in) is not a seal formation which provides a seal between the front face of the plunger and the inner surface of the bore for preventing the flow of foam past the front face of the plunger and into the bore, as required by the presently claimed syringe. In Lund, the plunger is not provided with a seal formation as presently claimed. Once the bags 16 and 18 are punctured, foam material flows around and through the plunger, and there is no seal formation which prevents the flow of foam material past the front face of the plunger and into the bore.

Lund clearly does not disclose the syringe as now claimed. Withdrawal of the anticipation rejection is respectfully requested.

II. AMENDMENTS

Claim 1 has been amended to further clarify the presence of a seal formation between the inner wall of the bore and the front face of the plunger. Support appears for example at page 9, lines 21-22, page 10, line 31 to page 11, line 2, and in the drawings. No new matter is entered and no new issues are raised. Entry and favorable consideration at this stage or prosecution are respectfully requested.

Favorable action is awaited.

Respectfully submitted,

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